

ORDINANCE NUMBER 1405-PUD-06

**AN ORDINANCE OF THE CITY OF WESTFIELD AND WASHINGTON
TOWNSHIP, HAMILTON COUNTY, INDIANA CONCERNING AMENDMENT TO
TITLE 16 – LAND USE CONTROLS**

This is a Planned Unit Development District Ordinance (to be known as the “**Kroger Depot and Fuel Center PUD District**”) to amend the Westfield-Washington Zoning Ordinance of the City of Westfield and Washington Township, Hamilton County, Indiana (the “Zoning Ordinance”), enacted by the City of Westfield pursuant to its authority under the laws of the State of Indiana, Ind. Code § 36-7-4 et seq., as amended.

WHEREAS, the City of Westfield, Indiana (the “City”) and the Township of Washington, both of Hamilton County, Indiana are subject to the Zoning Ordinance;

WHEREAS, the Westfield-Washington Advisory Plan Commission (the “Commission”) considered a petition (**Petition No. 1405-PUD-06**), requesting an amendment to the Zoning Ordinance and to the Zoning Map with regard to the subject real estate more particularly described in **Exhibit A** attached hereto (the “Real Estate”);

WHEREAS, the Commission forwarded **Petition No. 1405-PUD-06** to the Common Council of the City of Westfield, Hamilton County, Indiana (the “Common Council”) with a _____ recommendation (#-#) in accordance with Indiana Code § 36-7-4-608, as required by Indiana Code § 36-7-4-1505;

WHEREAS, the Secretary of the Commission certified the action of the Commission to the Common Council on _____, 2014;

WHEREAS, the Common Council is subject to the provisions of the Indiana Code §36-7-4-1507 and Indiana Code § 36-7-4-1512 concerning any action on this request; and

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Westfield, Hamilton County, Indiana, meeting in regular session, that the Zoning Ordinance and Zoning Map are hereby amended as follows:

Section 1. Applicability of Ordinance.

- 1.1 The Zoning Ordinance is hereby changed to designate the Real Estate as a Planned Unit Development District to be known as the "**Kroger Depot and Fuel Center PUD District**" (the "District").
- 1.2 Development of the Real Estate shall be governed by (i) the provisions of this Ordinance and its exhibits, and (ii) the provisions of the Zoning Ordinance as set forth herein, unless specifically modified by the terms of this Ordinance.
- 1.3 All provisions and representations of the Zoning Ordinance that conflict with the provisions of this Ordinance are hereby made inapplicable to the Real Estate and shall be superseded by the terms of this Ordinance.

Section 2. Definitions. Capitalized terms not otherwise defined in this Ordinance shall have the meanings ascribed to them in the Zoning Ordinance.

- 2.1 Character Exhibit(s). The illustrative exhibits attached hereto and incorporated by reference as Exhibit B. The exhibits are conceptual in nature and provided to illustrate the intended quality of structures to be constructed in the District. Although the exhibits do not necessarily represent the final design or specify a required architectural style or element, they do hereby establish a benchmark for the quality and appearance of structures that are permitted to be constructed and that contribute to the District's intent and vision. The Department shall determine whether a structure is consistent with the established benchmark and complies with the standards of this Ordinance. The Department's decision may be appealed to the Plan Commission.
- 2.2 Conceptual Plan: The plan attached hereto and incorporated herein by reference as Exhibit C.
- 2.3 Developer: Any individual, corporation, partnership or entity engaged in the improvement of a parcel of land or construction of a building within the District.
- 2.4 Underlying Zoning District: The Zoning District of the Zoning Ordinance that shall govern the development of the District and its various subareas, as set forth in this Ordinance.

Section 3. Conceptual Plan. The Conceptual Plan provides a general vision for the development of the District which illustrates one possible layout of internal drives, uses, green space, thoroughfares, and buildings that are permitted by this Ordinance. The Conceptual Plan is only conceptual. The final layouts and sites plans shall be subject to the terms and conditions of this Ordinance and may vary from the Conceptual Plan.**Section 4. Underlying Zoning Districts.** The Underlying Zoning District shall be the GB-General Business District. Except as modified, revised, supplemented or expressly made inapplicable by this Ordinance, the standards of the Zoning

Ordinance applicable to the Underlying Zoning District, as set forth above, shall apply.

Section 5. Permitted Uses. The uses permitted in the District shall be Gasoline Service Station and related convenience sales.

Section 6. General Regulations. The regulations of the Underlying Zoning District shall apply to the development of the District.

Section 7. Setbacks. Setbacks shall be as follows:

- A. Front Yard shall be 50 feet.
- B. Side Yard that abuts residential to the north shall be 55 feet.

Section 8. Parking. The parking and loading standards of the Zoning Ordinance (*WC § 16.04.120*) shall apply.

Section 9. Landscaping and Screening. The District's landscaping and screening shall comply with the Zoning Ordinance (*WC § 16.06*), except as otherwise provided below.

- A. The north buffer yard shall be 28 feet wide and a minimum of 18 feet tall after the plantings have reached maturity in the northeast corner to provide a visual barrier between the District and Townhomes at Countryside condominiums planned to be constructed to the north. The visual buffer may include but is not limited to a combination of an earthen berm combined with plantings.
- B. The west buffer yard shall be 28 feet wide and planted per the requirements of the Zoning Ordinance (*WC § 16.06*).

Section 10. Sign Standards. The District's signs shall comply with the Zoning Ordinance (*WC § 16.08.010*), except as otherwise provided below.

- A. Area of signage allowed will be 1.1 SF per 1 LF of building frontage parallel with the ROW. For signage purposes, the fuel center canopy, depot and rest area canopies shall count as building frontage.
- B. Electronic signage shall be no more than 45% of the total area of signage.
- C. The canopy signage shall have a maximum height of 3'-6" and maximum width of 18'.
- D. The Depot signage shall have a maximum height of 2'-6" and maximum width of 13'-6".

Section 11. Lighting Standards. The District's lighting shall comply with the Zoning Ordinance (*WC § 16.07.010*).

Section 12. Architectural and Streetscape Design Standards. The procedures and regulations of *WC § 16.04.165 Development Plan Review* applicable to the Underlying Zoning District shall apply.

- 12.1 **Character Exhibit.** Character illustrations indicating conceptually the intended architecture, quality, exterior building materials, and appearance of buildings within the District are provided in the Character Exhibit, attached hereto as **Exhibit B.**

Section 13. Infrastructure Standards.

- 13.1 The District's infrastructure shall comply with the Zoning Ordinance and the City's Construction Standards, unless otherwise approved by the Department of Public Works in consideration to the preservation of the natural topography and environment and in consideration to the unique design intent of the District.

ALL OF WHICH IS ORDAINED/RESOLVED THIS ## DAY OF _____, 2014.

WESTFIELD CITY COUNCIL

Voting For

Voting Against

Abstain

Jim Ake

Jim Ake

Jim Ake

Steven Hoover

Steven Hoover

Steven Hoover

Robert L. Horkay

Robert L. Horkay

Robert L. Horkay

Charles Lehman

Charles Lehman

Charles Lehman

Robert J. Smith

Robert J. Smith

Robert J. Smith

Cindy L. Spoljaric

Cindy L. Spoljaric

Cindy L. Spoljaric

Robert W. Stokes

Robert W. Stokes

Robert W. Stokes

ATTEST:

Cindy Gossard, Clerk Treasurer

I hereby certify that **ORDINANCE 1405-PUD-06** was delivered to the Mayor of Westfield

on the _____ day of _____, 2014, at _____ m.

Cindy Gossard, Clerk-Treasurer

I hereby APPROVE **ORDINANCE 1405-PUD-06**

this _____ day of _____, 2014.

J. Andrew Cook, Mayor

I hereby VETO **ORDINANCE 1405-PUD-06**

this _____ day of _____, 2014.

J. Andrew Cook, Mayor

This document prepared by: Paula J. Gartner, PE

SCHEDULE OF EXHIBITS

Exhibit A	Real Estate Legal Description
Exhibit B	Character Exhibits
Exhibit C	Conceptual Plan

EXHIBIT A
Real Estate
Legal Description



Evans, Mechwart, Hambleton & Tilton, Inc.
Engineers • Surveyors • Planners • Scientists
7400 N. Shadeland Ave., Ste. 150, Indianapolis, IN 46250
Phone: 317.913.6930 Toll Free: 888.775.3648

emht.com

TOWN OF WESTFIELD, HAMILTON, INDIANA

EXHIBIT "A"

FOR

KROGER J970

NEW FUEL CENTER

LEGAL DESCRIPTION

DATE: July 03, 2014

JOB NO. 20130506

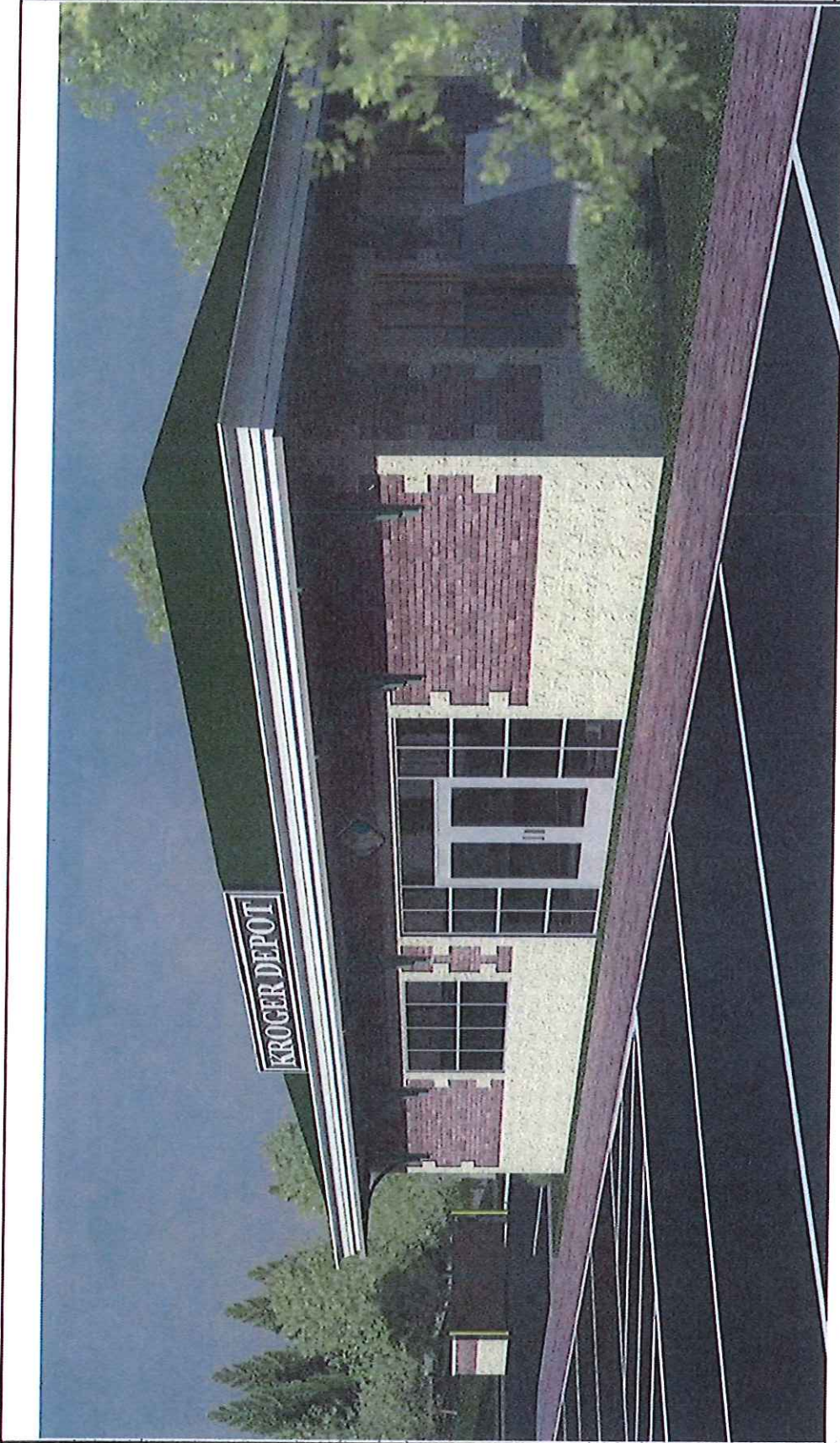
SCALE: None

EXHIBIT "A"

REAL ESTATE DESCRIPTION PER TITLE COMMITMENT

PART OF THE NORTHWEST QUARTER, SECTION 11, TOWNSHIP 18 NORTH, RANGE 3 EAST, HAMILTON COUNTY, INDIANA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF THE ABOVE MENTIONED QUARTER, NORTH 00 DEGREES 00 MINUTES EAST (ASSUMED BEARING) ALONG THE WEST LINE OF SAID QUARTER SECTION 361.38 FEET TO THE PLACE OF BEGINNING TO THIS DESCRIPTION, THENCE CONTINUING ALONG SAID LINE 249.52 FEET TO A POINT THENCE NORTH 90 DEGREES 00 MINUTES EAST 312.00 FEET TO A POINT; THENCE SOUTH 00 DEGREES 00 MINUTES EAST 249.52 FEET TO A POINT, THENCE SOUTH 90 DEGREES 00 MINUTES WEST 312.00 FEET TO A POINT WHICH IS THE BEGINNING POINT OF THIS DESCRIPTION.

EXHIBIT B
Character Exhibits



1 DEPOT (VIEW FROM SOUTHWEST)
SNAP #02

REVISIONS

NO.	DESCRIPTION	DATE
1	ISSUED	05-14-2014
2	REVISION	07-07-2014

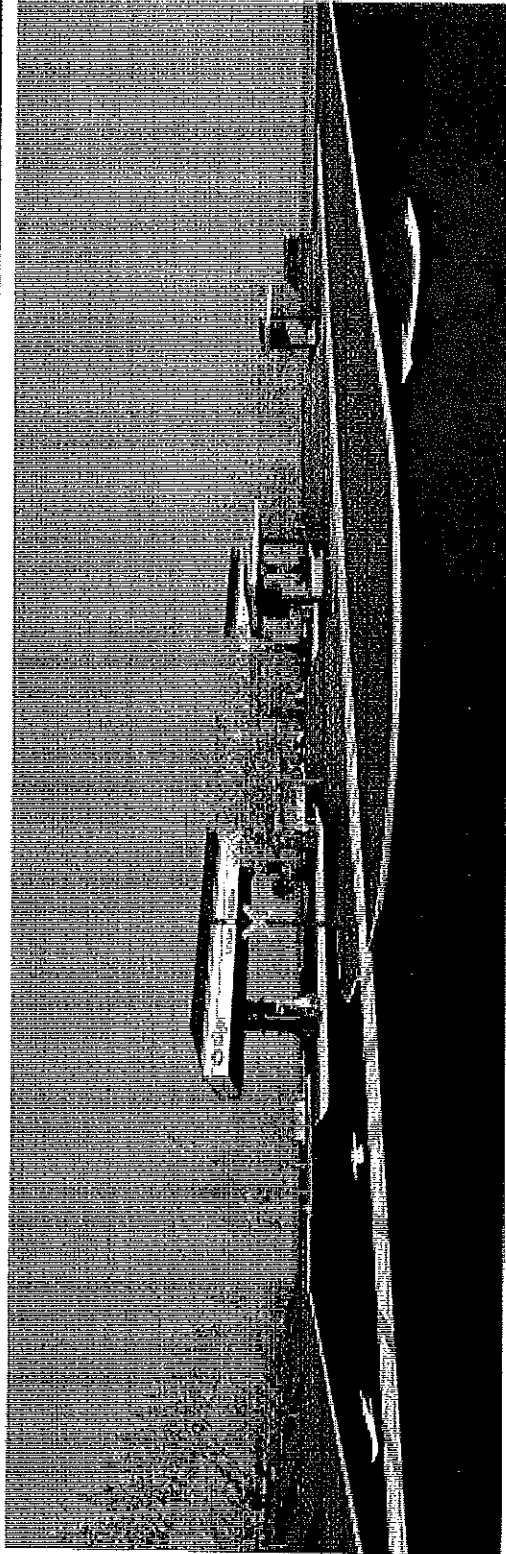

 THE KROGER CO.
 1000 CHURCH STREET, S.W.
 CINCINNATI, OH 45202
 PHONE (513) 763-1000

88550E™
 ARCHITECT • ENGINEERS
 1000 WOODMAN AVE.
 SUITE 400
 CINCINNATI, OH 45202

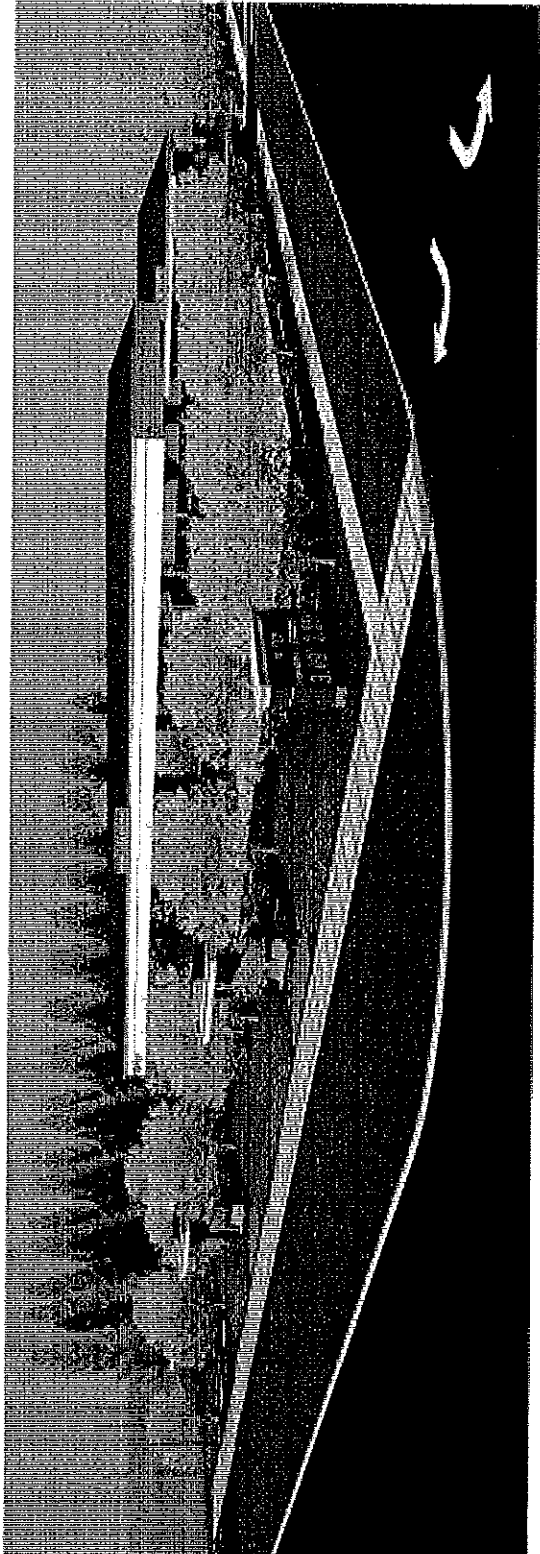
COLOR
 RENDERINGS

C2.3

J 970
 PROJECT NO.
 SHEET NO.



2 ENTRY VIEW (FROM NORTHWEST)
Scale: 1/8" = 1'-0"



3 PLAZA VIEW (FROM SOUTHWEST)
Scale: 1/8" = 1'-0"

88 5506
SSOE, INC.
ARCHITECTS + ENGINEERS
1400 17TH AVE. N.
MINNEAPOLIS, MN 55412



NO.	DATE	REVISIONS
1	10/1/97	ISSUED FOR PERMIT
2	10/1/97	REVISED FOR PERMIT
3	10/1/97	REVISED FOR PERMIT
4	10/1/97	REVISED FOR PERMIT
5	10/1/97	REVISED FOR PERMIT
6	10/1/97	REVISED FOR PERMIT
7	10/1/97	REVISED FOR PERMIT
8	10/1/97	REVISED FOR PERMIT
9	10/1/97	REVISED FOR PERMIT
10	10/1/97	REVISED FOR PERMIT

Project No.	01-000-0000
Project Name	1970
Location	1970
Owner	1970
Architect	1970
Engineer	1970
Interior Designer	1970
Landscaper	1970
Lighting Designer	1970
Acoustic Designer	1970
Structural Engineer	1970
Mechanical Engineer	1970
Electrical Engineer	1970
Plumbing Engineer	1970
Fire Protection Engineer	1970
Transportation Engineer	1970
Environmental Engineer	1970
Historic Preservation	1970
Archaeologist	1970
Anthropologist	1970
Botanist	1970
Geologist	1970
Historian	1970
Librarian	1970
Museum Curator	1970
Public Historian	1970
Urban Planner	1970
Visual Artist	1970
Writer	1970

COLOR
RENDERINGS
C2.4

88 550E™
 ARCHITECTS • ENGINEERS
 1000 BROADWAY, SUITE 200
 NEW YORK, NY 10018



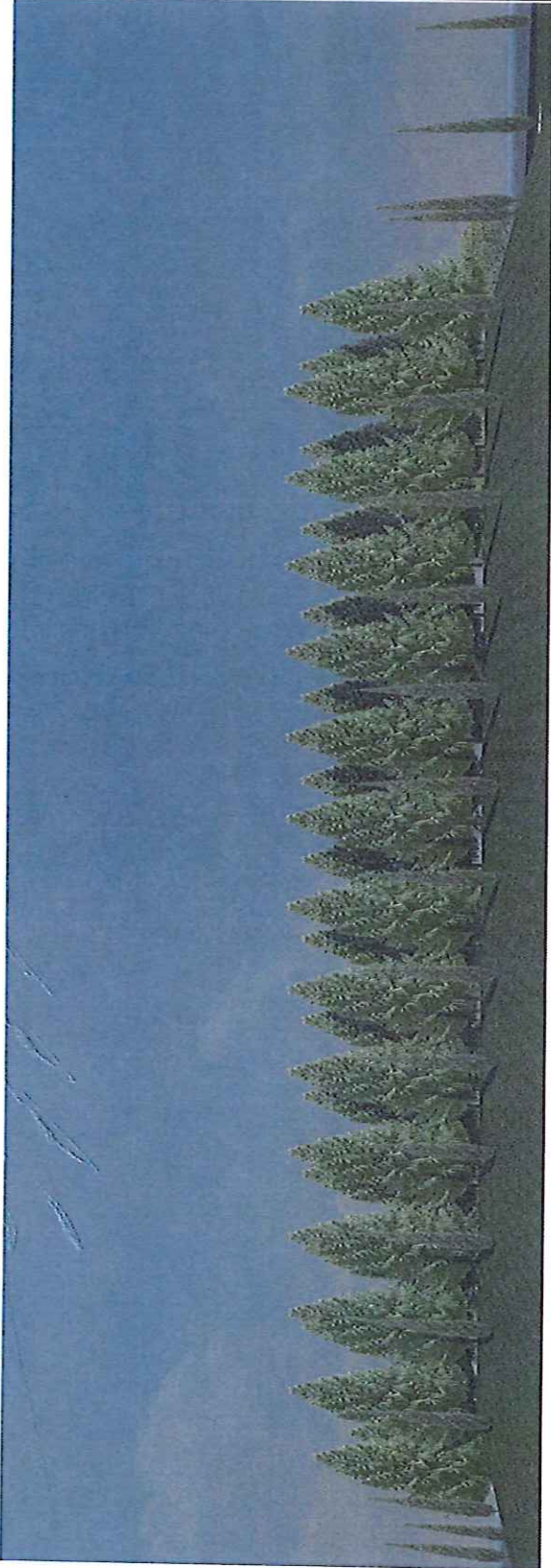
NO.	DATE	DESCRIPTION
1	05-20-14	ISSUED
2	07-20-14	REVISED

REVISIONS

PROJECT NO. 101-000000000
 PROJECT NAME
 DRAWN BY
 CHECKED BY
 DATE
 J 970
 1000 BROADWAY, SUITE 200
 NEW YORK, NY 10018

COLOR
 RENDERINGS

C2.4



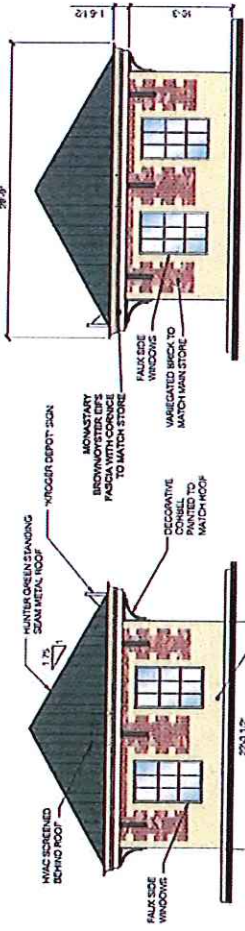
4 SCREENING BERM (VIEW FROM NORTH)
 SCALE: 1/8" = 1'-0"



The Kroger Co.
1000 West 10th
Denver, CO 80202
Phone: 303.733.1000
Fax: 303.733.1001
E-mail: kroger@kroger.com

NO.	REVISION	DATE
1	REVISED	01-11-12
2	REVISED	01-11-12
3	REVISED	01-11-12
4	REVISED	01-11-12
5	REVISED	01-11-12
6	REVISED	01-11-12
7	REVISED	01-11-12
8	REVISED	01-11-12
9	REVISED	01-11-12
10	REVISED	01-11-12

PROJECT NO.	J 970
PROJECT NAME	DEPOT AND SITE DETAILS
PROJECT LOCATION	1000 WEST 10TH, DENVER, CO
PROJECT OWNER	KROGER CO.
PROJECT ARCHITECT	SSOE, INC.
PROJECT ENGINEER	SSOE, INC.
PROJECT DATE	01-11-12
PROJECT SCALE	AS SHOWN

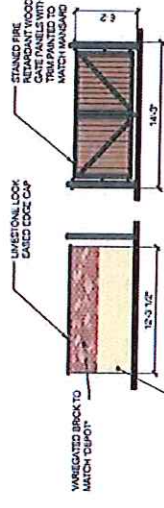


1 FRONT ELEVATION
SCALE: 1/8" = 1'-0"

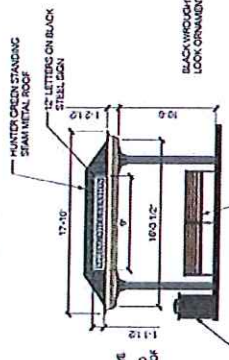
2 REAR ELEVATION
SCALE: 1/8" = 1'-0"

3 RIGHT SIDE ELEVATION
SCALE: 1/8" = 1'-0"

4 LEFT SIDE ELEVATION
SCALE: 1/8" = 1'-0"



5 TRASH ENCLOSURE
SCALE: 1/8" = 1'-0"



6 REST STOP SHELTER
SCALE: 1/8" = 1'-0"

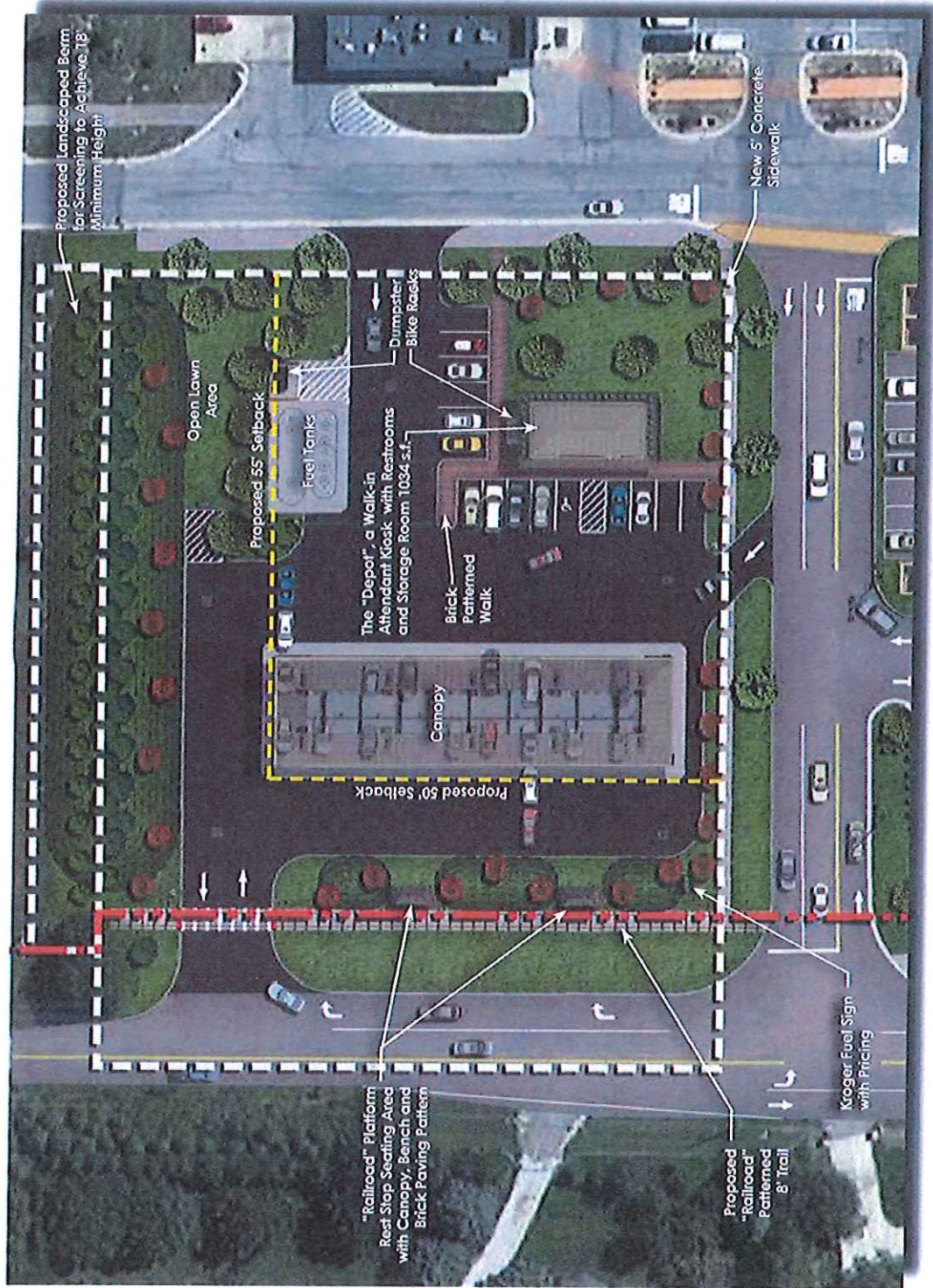
7 CROSSING SIGN
SCALE: 1/8" = 1'-0"

8 LIGHT POLE
SCALE: 1/8" = 1'-0"

9 KROGER MONUMENT SIGN
SCALE: 1/8" = 1'-0"

10 BIKE RACK
SCALE: 1/8" = 1'-0"

EXHIBIT C
Conceptual Plans



North



Exhibit C: Proposed Depot and Fuel Center

Westfield, IN Kroger

July 3, 2014





Engineers, Surveyors, Planners, Scientists

July 3, 2014

Ryan Clark
Associate Planner
2728 East 171st Street
Westfield, IN 46074

Re: Narrative of Kroger J970 Fuel Center

The proposed project consists of a new Kroger Fuel Center on an existing residential property. All of which is in the City of Westfield and part of the Spring Mill Station Comprehensive Plan. The total area of construction will include 1.79 acres. Other items included with this project will include all new utilities which will incorporate underground stormwater detention and stormwater quality, landscaping and the addition of a new curb cut along Spring Mill Road.

A legacy of experience. A reputation for excellence.

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Phone: 317.913.6930 Toll Free: 888.775.3448

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TOWN OF WESTFIELD, HAMILTON, INDIANA

EXHIBIT

FOR

KROGER J970

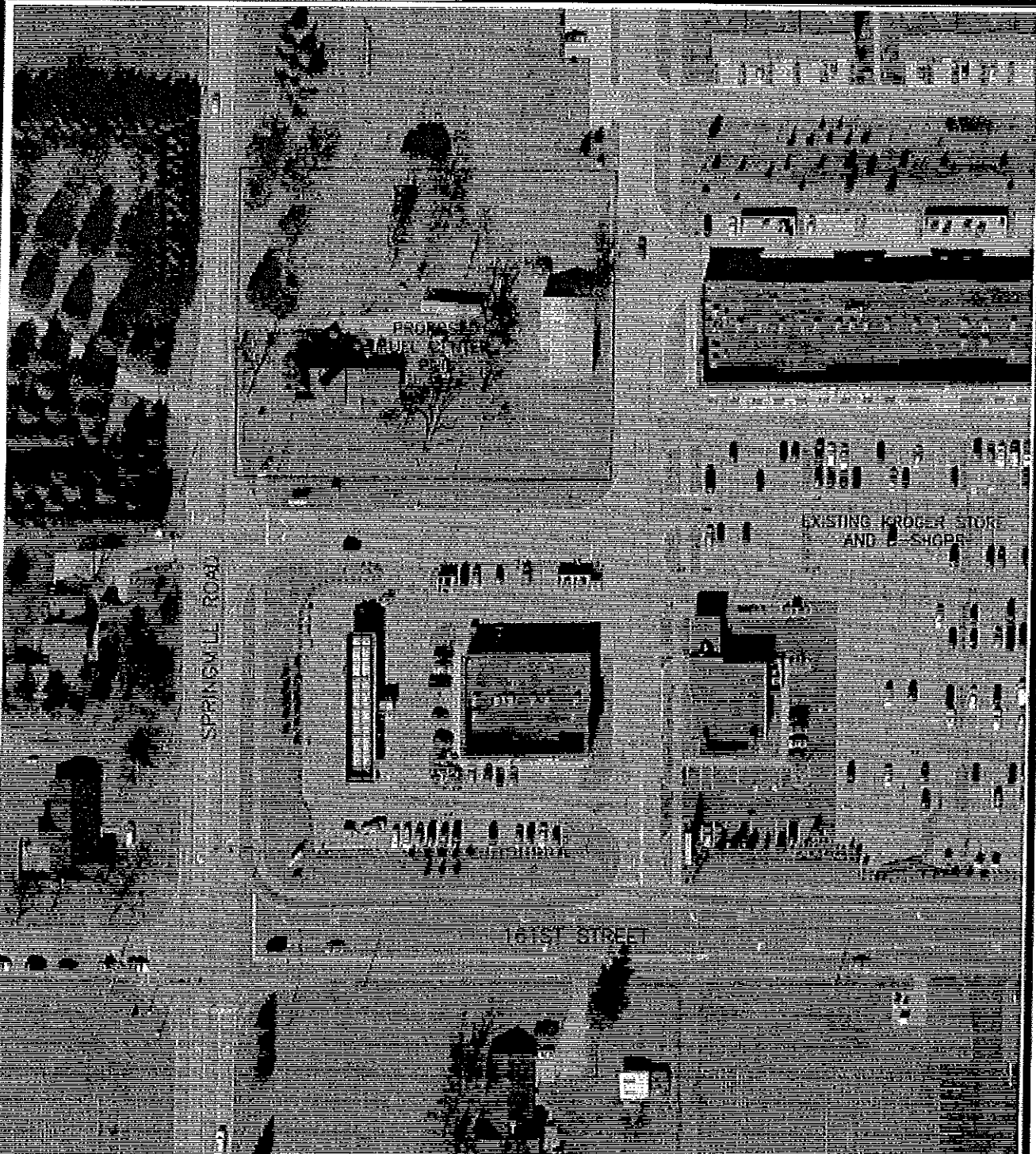
NEW FUEL CENTER

VICINITY MAP

DATE: July 03, 2014

JOB NO. 20130506

SCALE: None



14 20130506A (20130506A) EVANS, MECHWART, HAMILTON & TILTON, INC. 7400 N. SHADELAND AVE., STE. 100, INDIANAPOLIS, IN 46250 317.913.6930 888.775.3448



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TOWN OF WESTFIELD, HAMILTON, INDIANA

EXHIBIT

FOR

KROGER J970

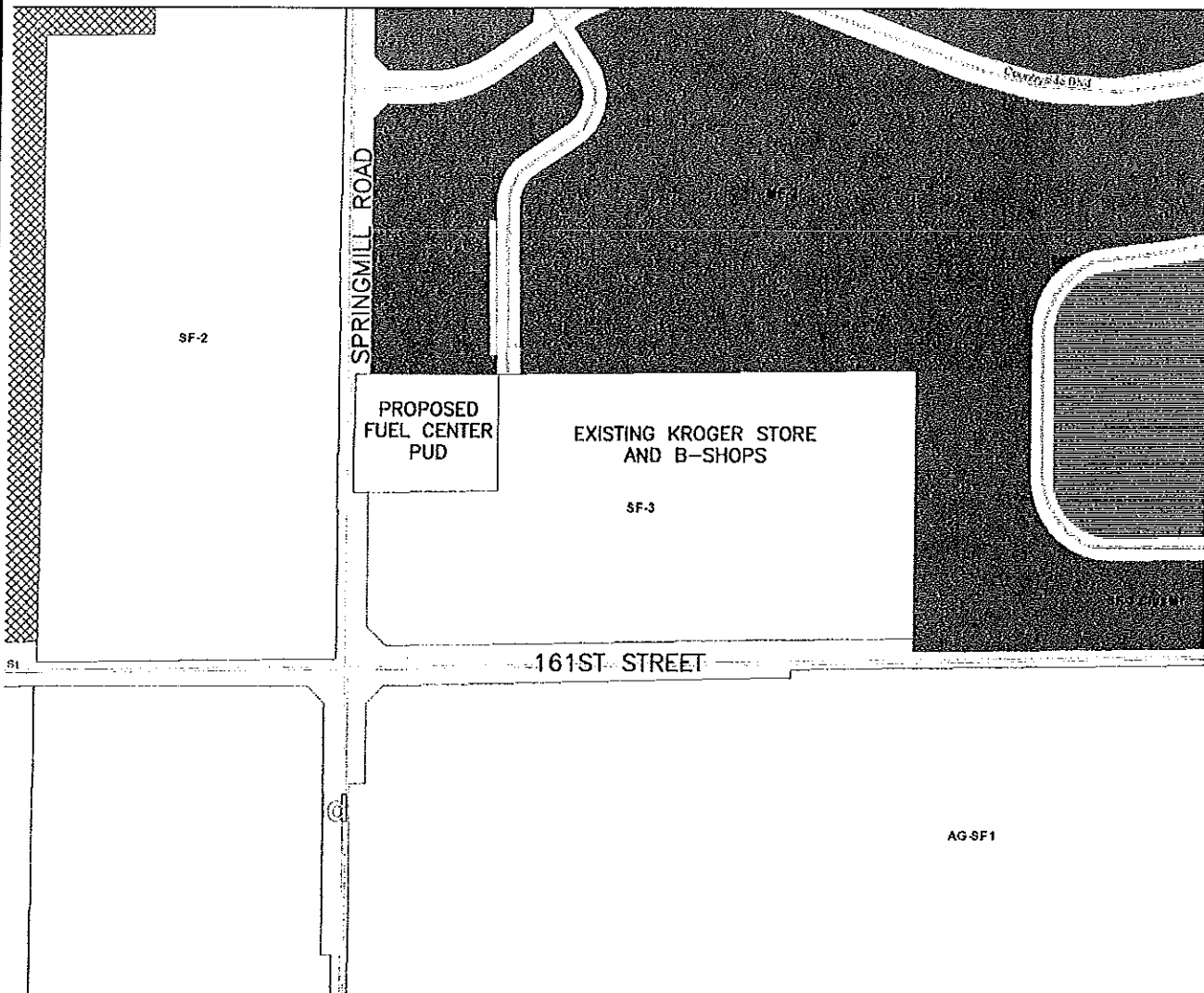
NEW FUEL CENTER

ZONING MAP

DATE: July 03, 2014

JOB NO. 20130506

SCALE: None



H:\20130506\Draw\0458\zoning\Exhibit\20130506-Zoning Map Exhibit.dwg Last Saved By: Richardson, R. 8/20/2014 10:32 AM Last Printed By: Richardson, R. 8/20/2014 11:41 AM (No York)